

**Carlos Hernández**  
Mayor

**Vivian Casáls-Muñoz**  
Council President

**Jose F. Caragol**  
Council Vice President



Council Members  
**Katherine Cue-  
Fuente**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**  
**Carl Zogby**

## City Council Summary Agenda/Minutes March 27, 2018 7:00 P.M.

---

Call to Order

**REPORT: Council President Casáls-Muñoz called the meeting to order at 7:17 p.m.**

Roll Call

**REPORT: The following Council Members were present:**

- Council President Vivian Casáls-Muñoz
- Councilman Vice President Jose Caragol
- Councilwoman Katharine Cue-Fuente
- Councilwoman Isis Garcia-Martinez
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano
- Councilman Carl Zogby

**REPORT: Also present were:**

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation given by Marbelys Fatjo, City Clerk

**REPORT: The invocation was led by Marbelys Fatjo, City Clerk.**

Pledge of Allegiance to be led by Councilman Paul B. Hernandez

**REPORT: The Pledge of Allegiance was led by Councilman Paul B. Hernandez.**

### **MEETING GUIDELINES**

*The following guidelines have been established by the City Council:*

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

**REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Brigitte Leal, Office of the City Clerk, in Spanish.**

## **PRESENTATIONS**

---

- Mayor Hernandez proclaims the month of April as Fair Housing Month. (GRANTS & HUMAN SERVICES DEPT.) **PRESENTED**

**REPORT: Mayor Hernandez presented the Proclamation.**

- Mayor Hernandez spoke regarding the unveiling that took place of artwork at Don Quijote Plaza. The Mayor introduced artist Ramon Pedraza who was present at the meeting, as well as the artwork that was unveiled. **PRESENTED**
- Chief Patrick Flynn, Hialeah Fire Department, recognized Council President Casáls-Muñoz for her contributions to the Hialeah Fraternal Order of the Leatherhead Society and the Wounded Warrior Project. **PRESENTED**
- Zoe Prieto, 5892 West 2<sup>nd</sup> Court, Hialeah, Florida, President of Children in Action (Niños en Acción), thanked the Mayor and the City of Hialeah for their contributions to the Special Population Program, and presented the City of Hialeah with a letter of donation of a 2012 E450 22 passenger bus with wheelchair lift to the City for the Special Population Program. **PRESENTED**

## **1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

---

- The proposed expense amount for Consent Item F has been corrected.

## 2. CONSENT AGENDA

---

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

**REPORT: Motion to Approve the Consent Agenda, made by Councilwoman Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 7-0.**

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on March 13, 2018. (OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

- B. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services at a number of large events for the City over the past several years and has provided the City with the best pricing for amusement rides, and increase Purchase Order No. 2018-959, issued to The Celebration Source Inc, to provide rides, operators and other equipment necessary for Eggstravaganza and other city events, by an additional amount of \$12,000, for a new total cumulative amount not to exceed \$23,000. (COMMUNICATION AND SPECIAL EVENT DEPT.)

**APPROVED 7-0**

- C. Request permission to reject Hialeah Invitation to Bid No. 2017/18-3230-00-004 – *Walker Park - Painting and Waterproofing*, because two of the bids that were submitted exceed the City's budget for the scope of work and one bid was not considered responsible, and further request permission to allow the Construction and Maintenance Department to obtain quotations for this phase of the project. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 7-0**

- D. Request permission to reject Hialeah Invitation to Bid No. 2017/18-3230-00-003 – *Walker Park - Selective Demolition and Stucco*, because the bids that were submitted exceed the City's budget for the scope of work, and further request permission to allow the Construction and Maintenance Department to obtain quotations for this phase of the project. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 7-0**

- E. Proposed resolution approving a second amendment to the State Housing Initiative Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for fiscal years 2016-2017, 2017-2018, 2018-2019, to revise the existing Owner Occupied Rehabilitation Strategy, and add a new Affordable Housing Rental Preservation Strategy to the amended Local Housing Assistance Plan (LHAP); authorizing the submission of the second amendment to the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (GRANTS

AND HUMAN SERVICES DEPT.)

**APPROVED 7-0**

**RESOLUTION 2018-029**

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Pavement Corp., vendor providing the lowest quotation, for the restriping of West 53<sup>rd</sup> Street to West 56<sup>th</sup> Street between Palm Avenue and West 4<sup>th</sup> Avenue, in a total cumulative amount not to exceed \$4,510. (STREETS)

**APPROVED 7-0**

- G. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the Intergovernmental Cooperation Agreement by and among the Miami-Dade County Property Appraiser, the Miami-Dade County Tax Collector, and the City of Hialeah, commencing on the date signed by the parties, a copy of which is attached to this resolution as Exhibit “1” and providing for an effective date. (ADMINISTRATION)

**APPROVED 7-0**

**RESOLUTION 2018-030.**

### **3. ADMINISTRATIVE ITEMS**

---

- 3A. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled “Administration” of the Code of Ordinances, Article V. entitled “Finance”, Division 2. entitled “Fees and Charges”, and in particular amending Section 2-871 “Duplication and Certification of Public Documents” to provide for deposit requirements when the estimated costs of production exceed \$25.00, providing for time of payment; requiring payment of all past due fees prior to complying with subsequent requests; and to provide length of time copies will be kept after request is fulfilled; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

**APPROVED 7-0.**

**ORDINANCE NO. 2018-026**

*Item was approved by the City Council on first reading on March 13, 2018.*

**REPORT: Motion to Approve Item 3A made by Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.**

### **4. BOARD APPOINTMENTS**

---

- 4A. Proposed resolution reappointing **Stephen C. Dielmann** to the Personnel Board of the City of Hialeah, as the American Federation of State, County and Municipal Employees (AFSCME) appointment, for a two (2)-year term ending on June 26, 2020. (AFSCME)  
**APPROVED 7-0**  
**RESOLUTION 2018-031**

**REPORT: Motion to Approve made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.**

## **5. UNFINISHED BUSINESS**

---

- **Councilman Hernandez spoke regarding overpasses that were meant to be connecting roads, and updated the Council regarding the status of the proposed generator ordinance.**
- **Chief Flynn, Hialeah Fire Department, addressed the City Council on the carbon monoxide issue.**

## **6. NEW BUSINESS**

---

- **Mayor Hernandez explained new building protocol that will be implemented in City Hall to protect and secure employees. Also, addressed the need for heavy security in our building and schools due to the times that we are in today.**

## **7. COMMENTS AND QUESTIONS**

---

- **Frank De La Paz, 3920 West 12 Avenue, commented on the aesthetics of the City Council Chambers, and addressed the City Council on road closure for work by utility companies and the use a police officer from another municipality for safety.**
- **Jose Sanchez, Director of Streets, City of Hialeah, 5601 East 8<sup>th</sup> Avenue, addressed the City Council on Mr. Frank De La Paz's concern related to the Streets Department.**
- **Carlos Berrigan, 8879 West 38 Avenue, addressed the City Council about sound barriers and connecting roads.**
- **Zoe Prieto, 5892 West 2<sup>nd</sup> Court, addressed the City Council about children not being diagnosed in schools, as well as regarding school safety.**

## **ZONING**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item**

---

***Attention Applicants:***

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

**REPORT: All were duly sworn in.**

**PZ 1.** First reading of proposed ordinance rezoning Lot 6 from R-1 (One Family District) to R-2 (One and Two-Family Residential District); granting a variance to allow a duplex on Lot 6, a substandard lot, with width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; allow a 5.1 foot side setback, where 7.5 feet are required; allow 20 feet rear setback, where 25 feet are required; allow 43.20% lot coverage, where 30% is the maximum allowed; and granting a variance permit to allow for an existing single family to remain on substandard Lot 7, with a width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; all contra to Hialeah Code of Ordinances §§ 98-499, 98-544, 98-546, 98-547(a), and 98-2056(b)(2). **Property located at 4811 East 9<sup>th</sup> Lane, Hialeah.** Zoned R-1 (One-Family District). (Applicant: Cesar Fabal, 4811 East 9 Lane, Hialeah, FL)

**POSTPONED UNTIL APRIL 10, 2018.**

<i>Item was approved as amended by the Planning and Zoning Board on March 14, 2018.</i>
<i>Registered Lobbyist: Albert Gonzalez, 16400 NW 59 Avenue, Miami Lakes, Florida.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Cesar Fabal, 4811 East 9 Lane, Hialeah, FL 33013.</i>

**REPORT: Cesar Fabal, 4811 East 9<sup>th</sup> Lane, addressed the City Council.**

**REPORT: Surely Llanes, 4811 East 9<sup>th</sup> Lane, addressed the City Council.**

**REPORT: Albert Gonzalez, 16400 NW 59<sup>th</sup> Avenue, Miami Lakes, Florida, addressed the City Council.**

**REPORT: Deborah Storch, Director of Planning and Zoning, City of Hialeah, addressed the City Council.**

**REPORT: Motion to Approve by Council Vice President Caragol. There was no second to the motion.**

**REPORT: Motion to Table Item PZ 1 until April 10, 2018 made by Council President**

**Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed 7-0.**

**PZ 2.** First reading of proposed ordinance granting a variance permit to allow the redevelopment of the property with a 145 unit, 5 story apartment building with 93 units (64.13%) having less than 850 square feet, where 131 units (90%) are required with 850 square feet; and allow residential uses at the ground level, where residential uses are allowed only above ground level; allow a building frontage of 62% at the base of the building, where 100% is required; allow a front setback for the middle of the building of 10 feet, where 22 feet is the minimum required; allow front setback for the cap of the building of 10 feet, where 34 feet is the minimum required; and allow 287 parking spaces, where 327 parking spaces are required. Zoned M-1 (Industrial District), located within the Neighborhood Business District gateways; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(d) and e (1), and 2189 (16) a. **Property located at 1050 East 9<sup>th</sup> Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lucky 62, LLC, 13105 NW 42 Avenue, Opa Locka, Florida 33054*)

**APPROVED 7-0**

<i>Item was approved with conditions by the Planning and Zoning Board on March 14, 2018.</i>
<i>Planner's Recommendation: Approve with Conditions.</i>
<i>Owners of the Property: Lucky 62, LLC, 13105 NW 42 Avenue, Opa Locka, FL 33054 Brian Holland</i>

**REPORT: Gus Fonte, Development Manager for Lucky 62, LLC addressed the City Council.**

**REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.**

**REPORT: Motion to Approve Item PZ 2 made by Councilwoman Garcia Martinez, and seconded by Councilwoman Cue-Fuente, Motion passed 7-0. Second reading and public hearing is scheduled for April 10, 2018.**

**FINAL DECISION**

**FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-01 that granted an adjustment on the property located at **292 West 18 Street, Hialeah, Florida**; and providing for an effective date. (*Applicant: Horsebit Developments 3, LLC*)

**APPROVED 7-0**

**RESOLUTION 2018-032**

<i>Item was approved by the Planning and Zoning Board on February 28, 2018.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq. of Alejandro Vilarello, PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>Planner's Recommendation: Approved.</i>
<i>Owner of the Property: Horsebit Developments 3 LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i>

**REPORT: Motion to Approve Item FD 1 made by Council Vice President Caragol, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.**

**REPORT: The meeting was adjourned by Council President Casáls-Muñoz at 9:02 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, April 10, 2018 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 22, 2018 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).